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Attorneys for Defendant
SAXON MORTGAGE SERVICES, INC.

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 MARIE GAUDIN, individually, and on behalf of others similarly situated,)
13 Plaintiff,)
14 v.)
15 SAXON MORTGAGE SERVICES, INC. a Texas corporation, and Does 1-100,)
16 Defendants.)
17)
18)

Case No. C 11-1663-JST

CLASS ACTION

STIPULATION AND **PROPOSED** ORDER TO SUSPEND ENTRY OF FINAL JUDGMENT PENDING COMPLIANCE WITH CLASS ACTION FAIRNESS ACT NOTICE REQUIREMENTS

19 Plaintiff Marie Gaudin (“Plaintiff”) and Defendant Saxon Mortgage Services, Inc. (“Defendant”) (collectively, the “parties”), hereby stipulate and request an order and revised entry of judgment as follows:

22 **WHEREAS**, on November 25, 2015, the Court issued Judgment Granting Final Approval to Class Action Settlement (etc.) in this action (the “Judgment”) (*see* Dkt. 153);

24 **WHEREAS**, the underlying settlement was governed by the Class Action Fairness Act, 28 U.S.C. §§ 1332(d) *et seq.* (“CAFA”);

26 **WHEREAS**, CAFA required Defendant to provide notice of the settlement pursuant to government officials pursuant to 28 U.S.C. § 1715 (“CAFA Notice”);

WHEREAS, the Settlement Agreement and Release of Claims shifted the duty to provide CAFA Notice to the Plaintiff (*see* Dkt. 129-1 at ¶ 45); and

WHEREAS, Plaintiff inadvertently failed to provide such CAFA Notice;

WHEREAS, an “order giving final approval of a proposed settlement may not be issued earlier than 90 days after the later of the dates on which the appropriate Federal official and the appropriate State official are served with the notice.” 28 U.S.C. § 1715(d).

THEREFORE, the parties stipulate and request that the Court order as follows:

1. The parties request that the Court order that the Judgment in this action is withdrawn pending compliance with CAFA Notice requirements as set forth below.

10 2. Plaintiff will serve the requisite CAFA Notice on the appropriate Federal and/or
11 State officials by December 18, 2015.

12 3. If no objection or opposition to the settlement is received from such Federal
13 and/or State officials by March 17, 2016, then the Judgment will be deemed entered on that
14 date.

15 4. If such an objection or opposition to the settlement is received, then the Court
16 shall set a hearing and briefing schedule to address and resolve them.

IT IS SO STIPULATED

DATE: December 10, 2015

JENKINS MULLIGAN & GABRIEL LLP
LAW OFFICE OF PETER FREDMAN

By: /s/ Peter Fredman

PETER FREDMAN
Attorneys for Plaintiff and the Class

DATE: December 10, 2015

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Stephen Scotch-Marmo

STEPHEN SCOTCH-MARMO
Attorneys for Defendant,
SAXON MORTGAGE SERVICES, INC.

1 **IT IS SO ORDERED:**

2 1. The Judgment (Dkt. 153) in this action is withdrawn pending compliance with
3 CAFA Notice requirements as set forth below.

4 2. Plaintiff will serve the requisite CAFA Notice on the appropriate Federal and/or
5 State officials by December 18, 2015.

6 3. If no objection or opposition to the settlement is received from such Federal
7 and/or State officials by March 17, 2016, then the Judgment will be deemed entered on that
8 date. In that event, the Final Accounting Hearing described in paragraph 14 of the Judgment
9 shall be continued from April 20, 2016 to August 10, 2016.

10 4. If such an objection or opposition to the settlement is received from the noticed
11 officials by March 17, 2016, then the Court will set a hearing and briefing schedule thereon.

12
13 Date: December 11, 2015

